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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,120	08/27/2003	David Grable	BAE-10902/15	5472

25006 7590 12/09/2004

GIFFORD, KRASS, GROH, SPRINKLE
ANDERSON & CITKOWSKI, PC
280 N OLD WOODARD AVE
SUITE 400
BIRMINGHAM, MI 48009

EXAMINER


D ADAMO, STEPHEN D

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/649,120	Applicant(s) GRABLE ET AL. 	
	Examiner Stephen D'Adamo	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8-10 and 13-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6,8-10 and 14-17 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pejathaya et al. (6,698,837).

Pejathaya discloses a “seat assembly with an integrated recliner and floor-latch mechanism” comprising a combination recliner and floor-latch assembly 10 for use with a seat assembly. The recliner mechanism includes a release mechanism or pawl 76a. “The recliner cam 78a is operably interconnected to an actuation lever 26, whereby movement of the actuation lever 26 concurrently move the recliner cam 78a to selectively engage or disengage the pal 76a” (col.4, lines 18-22). A plate 30a is secured to the seat back with auxiliary apertures 40a at a first location and has a pivot aperture 32a defining a second location. The plate also includes an arcuate edge 34a, wherein “a portion of the arcuate edge 34a includes...an interlock notch 38a” (col.3, lines 43-45). The interlock notch is a recessed detent. Furthermore, a floor release lever 160 is proximate to the plate 30a and is pivotally associated with the release mechanism. “The floor-latch mechanism 18a is in operable communication with the actuation lever 26 through transfer lever 160,

which is pivotally supported between the inner and outer plates 22, 24 and includes... a transfer cable attachment point 168 [for transfer cable 182]" (col.5, lines 39-44). The male detent or cam 78a is inter-disposed between the floor release mechanism 160 and the plate 30a. Pejathaya continues to disclose the operation, "Operation to the first position imparts actuation of the recliner cams 78a, 78b to disengage the pawls 76a, 76b from the seat-back supports 20a, 20b. Disengagement of the pawls from the seat-back supports enables the seat-back supports to recline against the biasing force of the coil spring or forward folding of the seat back supports. Further operation of the actuation levers to a second position enables operation of the floor-latch mechanisms 18a, 18b" (col.11, lines 25-34). Note, the outer and inner plates 22, 24 sandwich there between the seat back, the release mechanism, the plate, the floor release lever and the male detent. The male detent or cam 78a is positioned on the outer or outward facing surface of the inner or inside plate 22.

Allowable Subject Matter

2. Claims 4-6, 8-10 and 14-17 are allowed.

Response to Arguments

3. Applicant's arguments filed 23 September 2004 have been fully considered but they are not persuasive.

In response to applicant's argument that the actuating lever 26 of Pejathaya does not extend from the seat bottom is noted. However, as disclosed in the applicant's response, the lever 26 is pivotally supported between the inner and outer plates 22 and 24. Further, the release mechanism, including the actuating lever, operably engages the seat back with inner and outer

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plates 22 and 24. As disclosed in Figure 2 of Pejathaya, the actuating lever 26 extends from the direction in which the seat bottom is located. Also, the seat frame 504 is attached to the first and second RFL halves 12 and 14, which include the inner and outer plates 22 and 24. Thus, the actuating lever 26 is connected to the seat bottom via the inner and outer plates.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the plate secured in spaced and overlapping fashion to the seat back") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen D'Adamo whose telephone number is 703-305-8173. The examiner can normally be reached on Monday-Thursday 6:00-3:30, 2nd Friday 6:00-2:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SD

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December 1, 2004


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600